

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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	)	
RICHARD VILLAR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 14-CV-491-WES
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, Chief Judge.

On January 14, 2015, United States Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R&R") in the above-captioned matter recommending that Plaintiff's Complaint be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 16.) Plaintiff subsequently filed an objection to the R&R (ECF No. 19) and three motions: Motion to Amend Complaint Under Rule 15(a) For Add [sic] Evidence and Arguments that the Government Violate [sic] Its Brady/Giglio Obligations by Suppressing the Criminal and Informant Backgrounds of Certain Witnesses Such As Shauna Harrington (ECF No. 17); Motion for Expansion of Records and Argument (ECF No. 18); and Motion to Amend Complaint Under Rule 15(a) (ECF No. 20). Judge Sullivan issued an Amended R&R taking into account

Plaintiff's three motions. (ECF No. 21.) The Amended R&R recommends that Plaintiff's motions be DENIED as futile, and that this case be DISMISSED WITH PREJUDICE. (Id. at 10.) Plaintiff filed an objection to the Amended R&R in which he "incorporate[d] by reference [the] content of his prior objection." (ECF No. 22.)

Plaintiff's objection reiterates the facts of his case and asks the Court to consider that he is proceeding pro se; however, he fails to mount any specific objections to Judge Sullivan's finding that his "complaint was fatally flawed in that it consisted entirely of a reprise of his failed § 2255 arguments cloaked in a 42 U.S.C. § 1983/Bivens<sup>1</sup> action" and was furthermore barred by Heck v. Humphrey, 512 U.S. 477 (1994). (Am. R&R 7-8, ECF No. 21.) The Court concurs with Judge Sullivan that even "employ[ing] a liberal construction of [Plaintiff's] filing" (id. at 6), he has failed to state a claim on which relief may be granted. Because this Court agrees with Judge Sullivan's analysis, it hereby accepts, pursuant to 28 U.S.C. § 636(b)(1), the Amended R&R.

Accordingly, the Amended R&R is ADOPTED, Plaintiff's Motions to Amend Complaint Under Rule 15(a) (ECF Nos. 17 and 20) and Motion for Expansion of Records and Argument (ECF No. 18)

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<sup>1</sup> Bivens v. Six Unknown Fed. Agents, 403 U.S. 388 (1971).

are DENIED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE.<sup>2</sup>

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'WESmith', written over a horizontal line.

William E. Smith

Chief Judge

Date: September 28, 2015

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<sup>2</sup> As Judge Sullivan noted, this ruling does not prevent Plaintiff from appealing the FBI's partial denial of his Freedom of Information Act ("FOIA") request in an appropriate district court, nor does it bar him from bringing a separate civil action for that claim. (See Am. R&R 11, ECF No. 21.)